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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,008	11/28/2001	Stephen R. Mooney	10559-552001/P12572	3876

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EXAMINER

HAMANN, JORDAN J

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/998,008	MOONEY ET AL.	
	Examiner	Art Unit	
	Jordan Hamann	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 27-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,14-16,18,27,30 and 34 is/are rejected.
- 7) ☒ Claim(s) 3-6,8-13,17,28,29,31-33 and 35-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Applicant's arguments, see page 7 last paragraph & page 8 first paragraph, filed 12/19/05, with respect to the rejection(s) of claim(s) 1, 15 & 27 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Schneider (US 4,262,171) further in view of Kuroda (US 5,134,575).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7, 14-16, 18, 27, 30 & 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (US 4,262,171) in view of Kuroda (US 5,136,575).

With respect to claim 1, Schneider discloses system comprising:

a line (F1 E12);

a first device having a first transmitter to transmit first signals in a first frequency band over the line and having a receiver to receive second signals in a second frequency band over the line while first signals are transmitted over the line (F1 E10 and column 1 lines 47-48 and column 2 lines 1-2); and

a second device to communicate with the first device over the line, the second device having a second transmitter to transmit second signals in the second frequency band over the line (F1 E10 and column 1 lines 47-48),

wherein the first frequency band and the second frequency band occupy different portions of a frequency spectrum (column 4 line 10).

Schneider does not disclose a plurality of lines.

Kuroda discloses a system for simultaneous transmission of signals for communicating between devices over a set of lines (Figure 6 and column 4 line 54 – column 5 line 12).

Schneider and Kuroda are analogous art because they are directed to a similar problem solving area of simultaneous bi-directional communication.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use a set of lines in the telephone system of Kuroda in the frequency division multiplexed telephone system of Schneider.

The motivation for doing so would have been to send image data as well as sound data for a television telephone system (column 5 lines 41-44).

Therefore, it would have been obvious to combine Kuroda with Schneider to obtain the invention as specified in claim 1.

With respect to claim 2, Schneider discloses wherein the first transmitter includes a filter having a cutoff frequency to define at least in part the first frequency band (Figure 2A Elements 62 & 63).

With respect to claim 7, Schneider discloses wherein the first frequency band and the second frequency band are fixed (column 7 lines 42-55).

With respect to claim 14, Schneider discloses wherein the first transmitter includes a first output connected to the one line of the bus; the second transmitter includes a second output connected to the one line of the bus; and the receiver includes and input connected to the one line of the bus (F1 E10 and column 1 lines 47-48).

With respect to claim 34, Schneider discloses wherein the second device has a receiver to receive first signals over the one line of the bus while second signals are transmitted over the one line of the bus (F1 E10 and column 1 lines 47-48).

With respect to claims 15, 16 & 18, the device claims are interpreted and rejected for the same reasons as set forth in claims 1 & 2, respectively.

With respect to claims 27 & 30, the method claims are interpreted and rejected for the same reasons as set forth in claims 1 & 7, respectively.

Allowable Subject Matter

Claims 3-6, 8-13, 17, 28, 29, 31-33 & 35-41 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Hamann whose telephone number is (571) 272-8564. The examiner can normally be reached on Monday-Thursday 8:30-5:30 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJH


CHI PHAM
PERMISSORY PATENT EXAMINER
ELECTRONIC BUSINESS CENTER
2/6/06